IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WA.No. 602 of 2002(A)

AGAINST THE JUDGEMENT IN OP.5949/1998 Dated 30/10/2001
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APPELLANT: PETITIONERS:
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1. P.SYED ALI, `THOWHEED', T.C.20/263,
MALARANOOR, KARAMANA P.O.,THIRUVANANTHAPURAM-2.

2. C.RADHAKRISHNAN NAIR,
MELETHIKATTUVILA VEEDU, CHOOZHAMPALA,MUKKOLA P.O.,
THIRUVANANTHAPURAM.

3. K.BHUVANENDRAN NAIR, THEKIDIYIL VEEDU,
T.C.9/211, JAWAHAR NAGAR P.O.,THIRUVANANTHAPURAM.

4. K.MOHANAKUMAR, PAPPARATHERI MELEVEEDU,
KALLIYOOR, KALLIYOOR P.O.,NEMOM,THIRUVANANTHAPURAM

5. V.SURENDRAN NAIR,THEZHAKUNNATHU VEEDU,
KARANAMKODU, KOTTAKKAL P.O.,PERUNGADAVILA,
NEYYATTINKARA.

6. G.GOPAKUMAR, MOHANA BHAVAN, T.C.7/724,
MARUTHAMKUZHY,KANJIRAMPARA P.O.,THIRUVANANTHAPURAM

7. G.RAMACHANDRAN, GANGADHARA NILAYAM,
ULLOORKONAM, KIZHAKKUMBHAGOM, KAZHAKKUTTOM P.O.,
THIRUVANANTHAPURAM.

8. P.STANLY RAJAN, KOOTTAKANJIRAM
VADAKKEMURY PUTHEN VEEDU, NELLIKAKUZHI,
KANJIRAMKULAM P.O., THIRUVANANTHAPURAM.

9. K.P.JYOTHIKUMAR, PARAYADI,`RAJU BHAVAN',
KEEZHE CHITTAZHA, VATTAPPARA P.O.,
THIRUVANANTHAPURAM.

10. T.RADHAKRISHNAN, LEKSHMI VILAKATHU HOUSE
PEROORKKADA P.O., THIRUVANANTHAPURAM-5.

11. P.INDRAPALAN, PANAYIL VEEDU,
PRASANTH NAGAR, THURUVIKKAL P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS: RESPONDENTS:
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1. HINIDUSTAN LATEX LTD., REPRESENTED BY
ITS CHAIRMAN AND MANAGING DIRECTOR, POOJAPPURA,
THIRUVANANTHAPURAM-695 012.

2. HINDUSTAN LATEX EMPLOYEES WELFARE
SOCIETY, REG.NO.773/91, REPRESENTED BY ITS
SECRETARY, HIONDUSTAN LATEX LTD., PEROORKKADA,
THIRUVANANTHAPURAM-695 005.

3. UNION OF INDIA, REPRESENTED BY SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE,NEW DELHI.

BY ADV. SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SRI.U.K.RAMAKRISHNAN
SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.V.V.JOSHI,ACGSC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.A. 602/2002

Dated this the 8th day of August, 2007

JUDGMENT

Radhakrishnan, J.

Writ appeal has been preferred against the judgment in O.P.5949/1998. Petitioners had approached this Court seeking a writ of mandamus directing the first respondent to absorb the petitioners as regular employees of the first respondent and pay the minimum salary paid to class -IV employees of the first respondent. Petitioners were admittedly employees of the Hindustan Latex Employees Welfare Society, the second respondent, and they were working as its canteen employees, Drivers etc, but not as employees of Hindustan Latex Limited. Question is whether in such a situation, the petitioners can claim absorption as regular employees of Hindustan Latex Limited.

2. A similar matter relating to Hindustan Newsprint came up for consideration before the Division Bench of this Court in **Hindustan Newsprint Industrial Canteen Workers Union v. Hindusthan**

Newsprint Ltd (2006 (2) KLT 103) and this Court held that it is not open to High Court to exercise its discretion to interfere in labour matters when serious disputed questions of fact as to existence of employer-employee relationship are raised and it should be left to Labour Court.

3. Considering the facts and circumstances of this case, we are of the view that this Court is not justified in interfering with this matter under Article 226 of the Constitution of India. In such circumstances, this appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs